

REMARKS

This application has been reviewed further in light of the Office Action dated March 21, 2007. Claims 1-17, 51-58, and 72-101 remain pending in this application. Claims 1, 5, 51, 53, 72, 76, 77, 82, and 84 are in independent form. Claims 1, 51, 72, 76, 77, 82, 84, and 85 have been amended herein to even further clarify the claimed subject matter. Favorable reconsideration is requested.

Claims 1-4, 13, 14, 17, 51, 52, 56, 72-85, 87, 91, 95 and 99 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,477,288 (*Sato*). Claims 10-12, 54, 55, 86, 89, 90, 93, 94, 96, 98, and 100 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Sato*. Claims 15, 16, 57, 58, and 101 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Sato* in view of U.S. Patent No. 5,986,783 (*Sharma et al.*).

Initially, Applicants would like to thank the Examiner for allowing Claims 5-9 and 53. Applicants would also like to thank the Examiner for the courtesy extended in the telephone interview on August 24, 2007 with the undersigned. A proposed amendment as shown above in Claim 1 was discussed. The Examiner tentatively agreed that such an amendment would overcome that claim's rejection.

Claim 1 has been amended as discussed during the interview. According to Claim 1, the first switch is coupled through plural first optical fibers forming first communication paths and plural second optical fibers forming second communication paths, respectively, to a first, adjacent one of the nodes, and the second switch is coupled through plural other first optical fibers forming other first communication paths and plural

other second optical fibers forming other second communication paths, respectively, to a second, adjacent one of the nodes. *See*, for example, Fig. 3.^{1/} *Sato* simply is not understood to teach or suggest these features.

As pointed out in the Preliminary Amendment filed on September 5, 2006 and the Amendment filed on December 19, 2006, Fig. 5A and col. 14, lines 49-51 of *Sato* clearly reveal that switch 13 is connected to a component external to the optical line switching system 40 through only a *single* (not plural) working fiber 5 and only a *single* (not plural) protection fiber 7, which together form a pair "through which the optical signals are transmitted in the opposite directions...". Switch 14 is similarly connected to a component external to the optical line switching system 40 through only a *single* (not plural) working fiber 5 and only a *single* (not plural) protection fiber 7, where optical signals are transmitted in the opposite directions by virtue of the respective paths 5 and 7. In Claim 1, on the other hand, each switch is coupled to plural first optical fibers forming first communication paths *and* plural second optical fibers forming second communication paths, wherein each first communication path is a working path and each second communication path is a protect path.

Nothing in *Sato* is understood to teach or suggest those features in the context of the communication network set forth in Claim 1. Therefore, that claim is believed to be clearly patentable over *Sato*, and thus withdrawal of the Section 102(e) rejection of Claim 1 is requested.

^{1/} It should be understood, of course, that Fig. 3 is referred to herein for illustrative purposes only, and the claims should not be construed as being limited only to the embodiment depicted.

Independent Claim 51 is a node claim having features similar in many relevant respects to those of Claim 1 emphasized above, and also is believed to be clearly patentable over *Sato* for the same reasons as those set forth above with respect to Claim 1.

Independent Claim 72, as amended, recites, in part, that plural first optical fibers form at least two working paths and plural second optical fibers form at least two protect paths and that at least one of the switches of at least one of the nodes is coupled to at least one of the switches of at least one other of the nodes through the plural first optical fibers and the plural second optical fibers.

As pointed out above, in Fig. 5A of *Sato*, switch 13 is connected to a component external to the optical line switching system 40 through only a single working fiber 5 and only a single protection fiber 7, and the other switch 14 is connected to a component external to the optical line switching system 40 through only a single working fiber 5 and only a single protection fiber 7. Nothing has been found, or pointed out in *Sato* that would teach or suggest the above-recited features of Claim 72. Accordingly, that claim is believed to be clearly patentable over *Sato*.

Independent Claim 76 recites, in part, that plural first optical fibers form at least two working paths and plural second optical fibers form at least two protect paths and that at least one of the switches is coupled to the plural first optical fibers and the plural second optical fibers. Independent Claim 77 recites, in part, that the plural first optical fibers form at least two working paths and the plural second optical fibers form at least two protect paths and that at least one of the switches of the at least one node is coupled to at

least one of the switches of at least one other of the nodes through the plural first optical fibers and the plural second optical fibers .

Again, as pointed out above, each switch 13 and 14 depicted in Fig. 5A of *Sato* is connected to only a single working fiber and only a single protect fiber. Nothing has been found, or pointed out in *Sato* that would teach or suggest the foregoing features of Claims 76 and 77. Therefore, Claims 76 and 77 are believed to be clearly patentable over *Sato* as well.

Independent Claims 82 and 84 have been amended to even further clarify that at least one of the switches is coupled to plural first optical fibers forming plural working paths and plural second optical fibers forming plural protect paths. Those claims also are believed to be clearly patentable over *Sato* because that reference is not seen to teach or suggest those features in the context of the invention claimed in those respective claims.

A review of *Sharma et al.* has failed to reveal anything which is understood to remedy the above-described deficiencies of *Sato* against the independent claims herein. Accordingly, those claims are believed to be patentable over both of those references as well.

The other pending claims in this application are each dependent from one or another of the independent claims discussed above and also are believed to be patentable over the art relied on in the Office Action for the same reasons as are those independent claims. Since each dependent claim is also deemed to define an additional aspect of the

invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'F. DeLucia', is written over a horizontal line.

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